

REMARKS

Claims 1 and 61–108 are pending in the present application.

Claims 1, 61–65 and 67–106 were amended herein; claims 107–108 were added.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1, 61–68, 70, 74–88, 90, 94–101 and 103 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,354,331 to *Schachar*. This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-76 (8th ed. rev. 5 August 2006).

Independent claim 1 recites that the body and any members that are attached to the body when the prosthesis is implanted have an aggregate length less than a circumference of a circle concentric with the lens and intersecting an innermost portion of the anterior margin.

Independent claim 61 recites that the first and second ends of the body are unattached to any other other prosthesis when the prosthesis is implanted. Similarly, independent claim 74 recites that the first and second ends of the body are adapted to be free of contact with any other prosthesis when the prosthesis is implanted. Independent claim 94 recites that the major dimension of the base member is less than a circumference of a circle concentric with the lens of the eye and having a radius equal to a distance from the center of the lens to a surface of the body member that is closest

to the lens when the prosthesis is implanted in the eye, and that the ridge member is adapted to apply force to the contacted ocular tissue when the prosthesis is implanted at a location spaced apart from any other prosthesis. Such a feature is not found in the cited reference.

Independent claim 74 further recites that every portion of the body between the first and second ends is spaced apart from the first end by a linear distance less than a linear distance between the first and second ends.

Independent claim 80 recites a ridge projecting above surrounding portions of the body, the ridge located between first and second edges of the body and extending along a majority of a length of the body from the first end to the second end. Such a feature is not found in the cited reference.

Independent claim 94 recites a ridge member on the outer major surface of the base member and along the major dimension of the base member and spaced apart from edges of the base member.

Therefore, the rejection of claims 1, 61–68, 70, 74–88, 90, 94–101 and 103 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 103 (Obviousness)

Claims 61–70, 74–79, 89 and 102 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schachar*. This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5 August 2006). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of

nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

As noted above, independent claims 61 and 74 recite features not found in the cited reference. The remaining rejected claims depend from those claims.

Therefore, the rejection of claims 61–70, 74–79, 89 and 102 under 35 U.S.C. § 103 has been overcome.

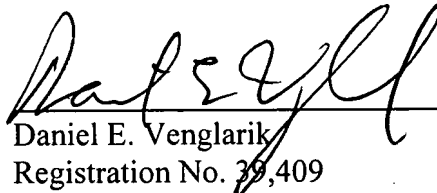
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 8-6-2007


Daniel E. Venglarik
Registration No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3621 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *dvenglarik@munckbutrus.com*